

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on February 11, 2004. Claims 1-34 are presented for examination. The Examiner rejects claims 1 and 19 under 35 U.S.C. 112, second paragraph. Claims 1-6, 10-26, and 30-34 are rejected under 35 U.S.C. 103 as being unpatentable over Kay (US 6,430,602 B1) hereinafter Kay, in view of O'Brian (US 6,587,831 B1) hereinafter O'Brian. Claims 7-9, and 27-29 are rejected under 35 U.S.C. 103 as being unpatentable over Kay in view of O'Brian, and further in view of Kaish (US 5,633,924) hereinafter Kaish. Further, claims 1-6, 10-11, 13-14 and 17-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Woods.

The Applicant has carefully noted and reviewed the rejections, references and the Examiner's comments. Applicant herein amends the independent claims to overcome the 102 rejection and to more particularly point out the patentable subject matter of applicant's invention, therefore, distinguishing unarguably over the art presented by the Examiner. Applicant provides arguments which clearly overcome the 112 and 103 rejections provided by the Examiner.

Regarding the 112 rejection, the Applicant does not quite understand the Examiner's comments that (i.e. a software application distributed on at least the first and second server-nodes which is not described in the specification. Examiner interprets as any server connected to network contain a software which communicates to other server).

Applicant points out that there are numerous instances in applicant's specification clearly teaching software residing on the servers having specific purposes. Applicant's claims recite limiting software with specific purpose

and function, not just an ability to communicate to another server as seems to be interpreted by the Examiner. For Example page 14 teaches WS 15 is enhanced with a software instance termed Web-Presence-Software (WPS) 16, which enables prospective customers of communication-center 21 to view communication-center status related to agent availability for a call before deciding whether or not to actually place a call to communication center 21. Applicant believes the software is specifically claimed and the Examiner must interpret it as such.

Regarding the 103 rejection, the Examiner states that Kay discloses a system enabling users of the system to obtain current agent-status information before initiating contact with the agent or agents of the information-source facility. The Examiner states that Kay fails to teach that the information is current agent status information. The Examiner relies on the art of O'Brian to teach the current agent status information.

Applicant argues that Kay teaches a system that merely provides a server between the user and a database to provide instant messaging protocol between the user and information from the database. The user in Kay is not checking status for an agent but using the IM server to actually directly contact and access the information from the source database and provide it to the user. Kay does not teach that the status of the information provider, i.e. agent, is accessed before making contact.

Applicant further argues that O'Brian also fails to teach accessing current agent status. O'Brian provides a Web which provides an on-line shift schedule to agents, accessed by the agents, which teaches away from applicant's invention. The Web page of O'Brian does not reflect actual real time, current status of the agents, but merely reflects intended work scheduling of the agents. The Web page does not reflect what actual status is of any agent, only an intended schedule. Therefore, applicant believes the art of Kay and O'Brian clearly fail to read on applicant's invention as claimed.

Regarding the 102 rejection using Woods, applicant herein amends claims 1 and 19 to more particularly recite that the intent, or purpose of the desired contact is stated when the agent status request is made and the system returns status information on agents based on the stated intent of the desired contact.

Applicant's specification teaches that the system allows a user to enter such information as a product description, profile information, or a purpose for the desired contact with communication center 21. WPS 16, upon receiving and registering a request from user 9 sends an instant message/request over high-speed data link 20 to status server 49. CCPS 50 parses the request and obtains the most current status information from server 49 that matches the intent of the request. For example, if user 9 desires to purchase a four-wheel drive pickup, and communication center 21 is a car dealership, then CCPS 50 will only obtain status information connected to those agents within center 21 responsible for four-wheel drive sales.

Applicant argues that Woods teaches a system for notifying and updating status of user selected customer agents (O'Brian Fig. 3). In the art of Woods the user views lists of agents and their capabilities and selects a specific agent and requests status. In applicant's invention the user submits an intent or purpose for contact and the system returns status of agents that are capable of providing information to the user based on the stated intent. Applicant believes that claims 1 and 19, as amended, are patentable over the art of Woods as argued above.

Applicant believes claims 2-18 and 20-34 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art of Smith, and clearly distinguish over the 101

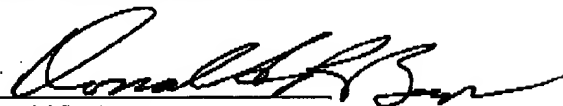
13

rejection regarding Patent No. 6,005,931, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
Stefaan Valere Albert Coussement

by


Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457